

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:06cr415

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
)	
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PAUL OSUJI and)	
TAMARA VARNADO,)	
)	
Defendants.)	
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THIS MATTER came before the Court for a hearing on November 13, 2007 on Defendant Varnado's Motion for Peremptory Trial Setting and Venue in the Charlotte Division of the Western District of North Carolina [Doc. 77] and Defendant Osuji's Motion [Doc. 83] for an Order preventing the United States Marshals Service from transporting and removing the Defendant from this District prior to the trial of this matter.

With respect to Defendant Osuji's Motion [Doc. 83], the parties have advised the Court that Defendant Osuji's defense counsel in New York has withdrawn her request that Osuji be transferred to the Southern District of New York for the time being. Defendant Osuji's trial in the Southern

District of New York is scheduled to begin on March 3, 2008. Thus, it appears that Defendant Osuji's motion requesting an Order preventing his transfer to New York prior to the trial of this matter is now moot.

Accordingly, **IT IS, THEREFORE, ORDERED** that Defendant's motion [Doc. 83] is **DENIED WITHOUT PREJUDICE AS MOOT**.

The trial of this matter is currently scheduled to begin on January 28, 2008 in the Asheville Division. Defendant Varnado moves for an Order peremptorily scheduling the trial to commence on either January 7 or 14, 2008 in the Charlotte Division of this District. At the hearing on this motion, the parties agreed that, due to the peremptory setting of Defendant Osuji's trial in the Southern District of New York in March 2008, if the present matter is not tried in January 2008, then the Defendant will not be available for trial in this District until June 2008. Even though both Defendants agreed to waive any Speedy Trial rights which might be implicated by a June 2008 trial setting, the Court finds that the interest of expeditious justice requires that this matter remain set for trial in January 2008.

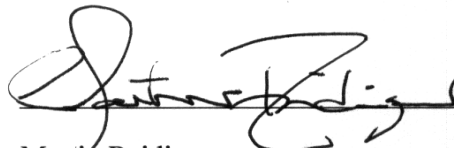
Accordingly, **IT IS, THEREFORE, ORDERED** that Defendant Varnado's Motion for Peremptory Trial Setting and Venue in the Charlotte Division of the Western District of North Carolina [Doc. 77] is **GRANTED IN**

PART and **DENIED IN PART**. Defendant's motion is **GRANTED** to the extent that the trial of this matter shall be rescheduled for a peremptory setting on **January 7, 2008**. The Defendant's request for a "change of venue" to the Charlotte Division of this District is **DENIED**, for the reasons previously stated by the Court. See Order dated October 25, 2007 [Doc. 76].

IT IS FURTHER ORDERED that this matter is hereby **REASSIGNED** to the Honorable Lacy H. Thornburg, United States District Judge, and that this matter shall be placed on Judge Thornburg's trial calendar for a peremptory setting on **January 7, 2008**.

IT IS SO ORDERED.

Signed: November 16, 2007


Martin Reidinger
United States District Judge

